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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
VS.) CAUSE NO. 5:20-CR-165-H
THOMAS JOHN BOUKAMP,)
Defendant.)

FARETTA HEARING and ARRAIGNMENT
BEFORE THE HONORABLE D. GORDON BRYANT, JR.,
UNITED STATES MAGISTRATE JUDGE

MAY 4, 2022
LUBBOCK, TEXAS

PROCEEDINGS RECORDED BY DIGITAL SOUND RECORDING; TRANSCRIBED
BY MECHELLE DANIEL, FEDERAL OFFICIAL COURT REPORTER, 1205 TEXAS
AVENUE, LUBBOCK, TEXAS 79401, (806) 744-7667.

A P P E A R A N C E S

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* * * *

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P R O C E E D I N G S

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THE COURT: The Court calls for arraignment Case
Number 5:20-CR-165-H-BQ-1, United States of America vs. Thomas
John Boukamp.

5

MS. WOOLAM: Callie Woolam on behalf of the
United States. Ready to proceed, Your Honor.

7

MR. BOSTWICK: Your Honor, Henry Bostwick on behalf
of the defendant. Mark Mahoney on behalf the defendant.

9

May we approach the bench?

10

THE COURT: You may.

11

(BENCH DISCUSSION OFF THE RECORD)

12

THE COURT: Mr. Boukamp, if you would stand,
please, sir.

14

THE DEFENDANT: Yes, Your Honor.

15

THE COURT: Now, we have scheduled for this morning
your arraignment on the second superseding indictment. Your
attorney has advised me that you wish to represent yourself in
this matter. Is that correct?

19

THE DEFENDANT: Yes, I do, Your Honor.

20

THE COURT: All right, sir. That will require a
separate hearing, and I'm going to take that up at the end of
this morning's docket. So if you would just have a seat back
there, and I'll come back to your case in a moment.

24

THE DEFENDANT: Absolutely, Your Honor.

25

UNIDENTIFIED SPEAKER: Thank you, Judge.

1 THE COURT: Yes, thank you.

2 (RECESS IN HEARING)

3 THE COURT: All right. The Court re-calls Case
4 Number 5:20-CR-165-H-BQ-1, United States of America vs. Thomas
5 John Boukamp.

6 MS. WOOLAM: Callie Woolam on behalf of the
7 United States. Ready to proceed, Your Honor.

8 THE DEFENDANT: Thomas John Boukamp on behalf of
9 myself.

10 THE COURT: Well, not yet. If the attorneys will
11 go ahead and announce your appearance again, please.

12 MR. MAHONEY: For the defense, Mark Mahoney, Your
13 Honor, and Henry Bostwick.

14 MR. BOSTWICK: Hello again, Your Honor.

15 THE COURT: All right. So as I indicated earlier,
16 this was originally scheduled for an arraignment on the second
17 superseding indictment. Mr. Boukamp, it's my understanding
18 that you do wish to terminate the representation of your
19 attorneys and represent yourself. Is that correct?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: What is the government's position in
22 response to this matter?

23 MS. WOOLAM: Your Honor, there was a competency
24 hearing yesterday, and Mr. Boukamp was found competent to stand
25 trial. We believe that, assuming he answers all the questions

1 satisfactorily for the Court for a Faretta hearing, he could be
2 able to represent himself. We would request that a member of
3 the Federal Public Defender's Office be appointed as standby
4 counsel though.

5 THE COURT: All right. Thank you.

6 Now, Mr. Boukamp, the law is clear that you do have
7 a constitutional right to represent yourself.

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: We have a lot of constitutional rights
10 that sometimes may not necessarily need to be exercised. And I
11 want you to know up front that, first of all, you obviously
12 have retained counsel. And my general advice to individuals
13 who wish to represent themselves is not to do so, and I'll go
14 over a number of reasons with you here in a moment as to why I
15 believe that's the case.

16 But for me to find that you're able to proceed in
17 this manner, I need to confirm that this is a knowing and
18 voluntary decision on your part, and an informed decision. So
19 for that reason, I need to ask you a number of questions.

20 THE DEFENDANT: Absolutely.

21 THE COURT: Now, as both--well, as all the
22 attorneys are aware, a competency hearing was conducted over
23 the last day or two, and you were specifically found to be
24 competent to proceed in this matter. Correct?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Now, let me ask you this. Have you
2 ever studied the law?

3 THE DEFENDANT: Not formally, no, Your Honor.

4 THE COURT: Okay. Well, in what context have you
5 studied the law?

6 THE DEFENDANT: Jailhouse lawyer-type study.

7 THE COURT: Have you ever--have you ever
8 represented yourself in a criminal action?

9 THE DEFENDANT: Absolutely not, Your Honor.

10 THE COURT: I'm going to ask the government's
11 attorney at this time to read for you the charges that are
12 contained in the second superseding indictment.

13 THE DEFENDANT: Yes, Your Honor.

14 MS. WOOLAM: Yes, Your Honor. There are 16 counts
15 in the second superseding indictment.

16 Count 1, transportation of a minor with intent to
17 engage in criminal sexual conduct. From on or about
18 November 13th, 2020, to on or about November 22nd, 2020, in the
19 Lubbock Division of the Northern District, and elsewhere,
20 Thomas John Boukamp, defendant, did knowingly transport an
21 individual who had not attained the age of eighteen years in
22 interstate and foreign commerce with the intent that such
23 individual engage in sexual activity for which any person could
24 be charged with a criminal offense, that is, a violation of
25 Michigan Penal Code, Section 750.520d, which makes it a crime

1 to engage in sexual penetration with another person while the
2 other person is at least thirteen years of age and under
3 sixteen years of age, in violation of Title 18,
4 United States Code, Section 2423(a).

5 Count 2, travel with intent to engage in illicit
6 sexual conduct. From on or about November 11th, 2020, to on or
7 about November 22nd, 2020, in the Lubbock Division of the
8 Northern District of Texas, and elsewhere, Thomas John Boukamp,
9 defendant, did knowingly travel in interstate commerce for the
10 purpose of engaging in any illicit sexual conduct, as defined
11 in Title 18, United States Code, Section 2423(f), in violation
12 of Title 18, United States Code, Section 2423(b).

13 Count 3, enticement and attempted enticement of a
14 minor. From on or about August 31st, 2020, to on or about
15 November 22nd, 2020, in the Lubbock Division of the Northern
16 District of Texas, and elsewhere, Thomas John Boukamp,
17 defendant, did knowingly use a facility and means of interstate
18 and foreign commerce, including a computer, to persuade,
19 induce, and entice, and attempt to do so, an individual who had
20 not attained the age of eighteen years, to engage in sexual
21 activity for which Boukamp could be charged with a criminal
22 offense, that is, a violation of Michigan Penal Code
23 Section 750.520d, which makes it a crime to engage in sexual
24 penetration with another person when the other person is at
25 least thirteen years of age and under sixteen years of age, in

1 violation of Title 18, United States Code, Section 2422(b).

2 Count 4, receipt of child pornography. On or about
3 October 9th, 2020, in the Lubbock Division of the Northern
4 District of Texas, and elsewhere, Thomas John Boukamp,
5 defendant, did knowingly receive a visual depiction, that had
6 been shipped and transported using any means and facility of
7 interstate and foreign commerce, had been shipped and
8 transported in and affecting interstate and foreign commerce,
9 and was produced using materials which had been mailed and
10 shipped and transported using any means and facility of
11 interstate and foreign commerce, including by computer; and the
12 production of such visual depiction involved the use of a minor
13 engaging in sexually explicit conduct, that is, the lascivious
14 exhibition of the genitals and pubic area of said minor, and
15 such visual depiction was of such conduct, in violation of
16 Title 18, United States Code, Sections 2252(a)(2) and (b).

17 Count 5, cyber stalking. From on or about a date
18 unknown to the grand jury, to on or about November 13th, 2020,
19 in the Lubbock Division of the Northern District of Texas, and
20 elsewhere, Thomas John Boukamp, defendant, with intent to
21 injure, harass, and intimidate Jane Doe, a person under the age
22 of eighteen years, used an interactive computer service, an
23 electronic communication service, an electronic communication
24 service of interstate commerce, and facilities of interstate
25 and foreign commerce, to engage in a course of conduct that

1 caused, attempted to cause, and would reasonably be expected to
2 cause substantial emotional distress to Doe, and in doing so,
3 knowingly engaged in a sexual act with Jane Doe, a person who
4 had attained the age of twelve years but not attained the age
5 of sixteen years, and was at least four years younger than
6 Boukamp, in violation of Title 18, United States Code,
7 Section 2243(a), without regard to whether the offense was
8 committed in the special maritime and territorial jurisdiction
9 of the United States or in a federal prison, in violation of
10 Title 18, United States Code, Sections 2261A(2) and 2261(b)(4).

11 Count 6, receipt of child pornography. On or about
12 May 1, 2020, in the Lubbock Division of the Northern District
13 of Texas, and elsewhere, Thomas John Boukamp, defendant, did
14 knowingly receive a visual depiction, that had been shipped and
15 transported using any means and facility of interstate and
16 foreign commerce, had been shipped and transported in and
17 affecting interstate and foreign commerce, and was produced
18 using materials which had been mailed and shipped and
19 transported using any means and facility of interstate and
20 foreign commerce, including by computer; and the production of
21 such visual depiction involved the use of a minor engaging in
22 sexually explicit conduct, that is, the lascivious exhibition
23 of the genitals and pubic area of said minor and such visual
24 depiction was of such conduct, in violation of Title 18,
25 United States Code, Sections 2252(a)(2) and (b).

Counts 7 through 16. On or about the dates set forth below, in a chart provided in the second superseding indictment, in the Lubbock Division of the Northern District of Texas, and elsewhere, Thomas John Boukamp, defendant, did use, persuade, induce, and entice, and attempt to do so, Jane Doe, a person under the age of eighteen years, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted in interstate and foreign commerce, and which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by a computer.

Count 7 involves an image as IMG 6575 that was produced on April 28th, 2020. Count 8 involves IMG 6690 that was produced on May 2nd, 2020. Count 9 involves IMG 6948 that was produced on May 16th, 2020. Count 10 involves IMG 6949 that was produced on May 16th, 2020. Count 11 involves IMG 6950 that was produced on May 16th, 2020. Count 12 involves IMG 7062 that was produced on May 23rd, 2020. Count 13 involves IMG 7613 that was produced on June 22nd, 2020. Count 14 involves IMG 8054 that was produced on

1 July 17th, 2020. Count 15 involves IMG 8055 that was produced
2 on July 17th, 2020. And Count 16 involves IMG 8094 that was
3 produced on July 20th, 2020, each count being in violation of
4 Title 18, United States Code, Section 2251(a).

5 This morning, I also provided a copy of the second
6 superseding indictment to Mr. Boukamp's attorneys, and I
7 believe he was following along during the reading of that.

8 THE COURT: And I notice there's also a forfeiture
9 notice as well. Correct?

10 MS. WOOLAM: That's correct, Your Honor.

11 THE COURT: All right.

12 All right. Mr. Boukamp, were you following along
13 with the indictment there as government counsel read through
14 it?

15 THE DEFENDANT: I--I was, Your Honor. Has the
16 cyber stalking charge been changed to the zero to life for--

17 THE COURT: Well, we'll go over punishment in a
18 moment.

19 THE DEFENDANT: Okay.

20 THE COURT: I'm, at this point, just asking if--

21 THE DEFENDANT: I would object to that.

22 THE COURT: I'm sorry?

23 THE DEFENDANT: I would object to that, the change
24 to that charge.

25 THE COURT: Well, I'm not asking you at the moment

1 for an objection.

2 THE DEFENDANT: Okay.

3 THE COURT: Did you--first of all, did you follow
4 along as the government's attorney read the counts in the
5 second superseding indictment?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you understand the nature of the
8 charges that are alleged against you?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Do you understand that, typically, a
11 defendant in federal court faces one, two, maybe three counts.
12 You understand you're facing 16 counts?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: All right. I'm going to ask the
15 government's attorney at this time to also state for the record
16 the punishments that go along with each of these counts.

17 Ms. Woolam?

18 MS. WOOLAM: Yes, Your Honor.

19 As to Count 1: A term of imprisonment of not less
20 than 10 years and up to life; a fine of not more than \$250,000,
21 or both; plus a term of supervised release of not less than
22 5 years and up to life.

23 As to Count 2: A term of imprisonment of not more
24 than 30 years; a fine of not more than \$250,000, or both; plus
25 a term of supervised release of not less than 5 years and up to

1 life.

2 As to Count 3: A term of imprisonment of not less
3 than 10 years and up to life; a fine of not more than \$250,000,
4 or both; plus a term of supervised release of not less than
5 5 years and up to life.

6 As to Counts 4 and 6: A term of imprisonment of
7 not less than 5 years, nor more than 20 years; a fine of not
8 more than \$250,000, or both; plus a term of supervised release
9 of up to life.

10 As to Count 5, a term of life imprisonment; a fine
11 of not more than \$250,000, or both; plus a term of supervised
12 release of not less than 3 years.

13 As to Counts 7 through 16: A term of imprisonment
14 of not less than 15 years, nor more than 30 years for each
15 count; a fine of not more than \$250,000, or both; plus a term
16 of supervised release of not less than 5 years and up to life.

17 For a total maximum penalty of life imprisonment; a
18 fine of \$4 million; plus a life term of supervised release
19 which follows a term of imprisonment; costs of incarceration
20 and supervision; and forfeiture of property and restitution
21 could be ordered for any victim of the offense. If the
22 defendant violates the conditions of supervised release, he
23 could be imprisoned and subject to additional terms of
24 supervised release and imprisonment as determined by the Court
25 in accordance with law.

1 There's also a \$1600 mandatory special assessment,
2 which is \$100 per count. And, if the Court finds that the
3 defendant is not indigent, he would be required to pay an
4 additional \$80,000 special assessment pursuant to Title 18,
5 United States Code, Section 3014, which is \$5,000 per count.

6 THE COURT: And, Ms. Woolam, if convicted on more
7 than one of these counts, could they run consecutively?

8 MS. WOOLAM: Yes, Your Honor. All of the counts
9 could be stacked consecutively, that's correct.

10 THE COURT: All right. Thank you.

11 All right, Mr. Boukamp. First of all, do you
12 understand the penalties that you face on each of the counts
13 that are alleged in the second superseding indictment?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And do you understand that multiple
16 counts contain a sentence of up to life?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And do you understand what the
19 government's attorney just said, that each of these counts--the
20 sentences for those could be stacked to where, until you
21 complete one, the clock would not start running on the other?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Now, if you are found guilty on any of
24 these counts, do you understand that there are sentencing
25 guidelines that may have an effect on the term of your

1 sentence?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Have you ever worked with the
4 sentencing guidelines before?

5 THE DEFENDANT: I haven't worked with them in the
6 sense that, you know, I've been subject to them before, but I
7 have looked at them and I have reviewed them. I think any--any
8 way you spin it, I would be doing life if I was found guilty.

9 THE COURT: Do you understand that if you represent
10 yourself, you are totally on your own, that the Court or no one
11 else can provide you legal advice, unless I were to appoint
12 standby counsel?

13 THE DEFENDANT: I'm aware of that now, Your Honor.

14 THE COURT: You said you're aware of it now?

15 THE DEFENDANT: Yes.

16 MR. MAHONEY: May I be heard, Judge?

17 THE COURT: You may.

18 MR. MAHONEY: I'm still representing him.

19 THE COURT: Stand, please.

20 MR. MAHONEY: Judge, I think that his concern is--
21 I think he's always entitled to legal advice from any lawyer;
22 it's just a question of representation. So I--

23 THE COURT: Well, if he's-- That's my question.
24 If you--if I allow you to represent yourself, you will not have
25 an attorney there with you, unless there is standby counsel.

1 Do you understand that?

2 THE DEFENDANT: Yes. Not in court, but to seek
3 legal advice outside of court, would I still be able to do that
4 with Mr. Mahoney?

5 THE COURT: That's up to Mr. Mahoney. He's--

6 MR. MAHONEY: That was my point, Judge. In other
7 words--

8 THE COURT: You're going to be in jail. I have no
9 idea where Mr. Mahoney will be. So you're--if you wish to have
10 legal representation, it would make sense that you would rather
11 him be seated at counsel table with you than-- Where are you
12 from, sir?

13 MR. MAHONEY: Judge, I'm from Buffalo. I think the
14 point is that both of us, as his attorneys, oppose his being
15 allowed to represent himself and--

16 MR. BOSTWICK: Vehemently, Your Honor.

17 MR. MAHONEY: --and want to make sure we're always
18 available to talk to him in case he starts considering changing
19 his mind or just if he needs to talk. So that's the only point
20 I wanted to--so--

21 THE COURT: Well, clearly you have the right, to
22 the extent you can in custody, to talk to anyone, and that
23 would include these two attorneys, which, I guess, gives rise
24 to the question, if you believe their advice is helpful to you,
25 why are you terminating their services and why do you want to

1 represent yourself?

2 THE DEFENDANT: I think we have very divergent
3 views about the direction of this case, and I think this case
4 would actually be better served if I was the one speaking to
5 the jury.

6 THE COURT: Well, there are any number of attorneys
7 out there that you could hire that may agree with your approach
8 to the case, so--

9 THE DEFENDANT: I've already gone through three.

10 THE COURT: --how about finding a different
11 attorney as opposed to going at it alone?

12 THE DEFENDANT: I--me and attorneys really don't
13 get along, Your Honor. It's just--it's a problem. And I've
14 not found an attorney that I can trust with my life. I mean,
15 this is my life. I think only my words and my words alone will
16 be able to potentially give me a fair--well, I'm not sure about
17 fair, but decent shot at trial, Your Honor.

18 THE COURT: Well, speaking of the trial itself,
19 we'll get into that in a little bit in a moment. But as far as
20 the victim--or the alleged victim in this case is concerned, do
21 you understand that she may not appear at the trial at all?

22 THE DEFENDANT: How would that be possible, Your
23 Honor?

24 THE COURT: I'm just asking you to--do you
25 understand that possibility, that the government may or may not

1 call her as a witness?

2 THE DEFENDANT: I would--I would actually call her
3 as a witness if that's possible. I would call her and directly
4 examine her.

5 THE COURT: All right. But do you understand
6 that's a--that is a possibility?

7 THE DEFENDANT: That they do not call her or that--

8 THE COURT: Correct.

9 THE DEFENDANT: Can I--am I not allowed to call
10 her? Because I--

11 THE COURT: I'm not--I'm just asking if you
12 understand that's a possibility, that the government may not
13 call her as a witness.

14 THE DEFENDANT: Yes, I do understand that, Your
15 Honor.

16 THE COURT: And then going back to my previous
17 question, when you answered it I think by saying you would
18 consult with an attorney, if you represent yourself, do you
19 understand that the Court cannot provide you any assistance or
20 guidance in regard to trying your case? For example, the
21 question you just asked me.

22 THE DEFENDANT: Well, yes, Your Honor. I do have
23 concerns. If the indigent form is accepted--

24 THE COURT: I'm sorry. If what is accepted?

25 THE DEFENDANT: I'm filling out an indigent form.

1 I would like to be able to use resources, not necessarily
2 attorneys, but resources outside of the court to assist in my
3 preparation of the case.

4 THE COURT: Well, you just answered your own
5 question. That's outside the court. I have--

6 THE DEFENDANT: Yes, okay.

7 THE COURT: --no control over that. And, once
8 again, when you're on your own, you're on your own. That's up
9 to you as to what you have access to and what someone else can
10 provide to you. The Court does not provide you any assistance
11 and cannot answer legal questions.

12 THE DEFENDANT: I--yes, sir, I understand that,
13 Your Honor.

14 THE COURT: So again, back to my question, you
15 understand that--because I'll ask you a question and you start
16 looking at your lawyers. And if you go to trial--

17 THE DEFENDANT: I can't look at my attorneys
18 because I won't have them.

19 THE COURT: Well, if you're-- If your attorneys
20 show up to represent you, then obviously you can consult with
21 them. But you're asking me to allow you to represent yourself.
22 I take it that means they will not be here if that is
23 authorized.

24 THE DEFENDANT: I think that would be the case,
25 Your Honor, yes.

1 THE COURT: And is--you're telling me that's how
2 you wish to proceed?

3 THE DEFENDANT: Yes. I'm just a little nervous.
4 This is, you know, my first day and all, but--

5 THE COURT: Well, are you familiar with the rules
6 of evidence?

7 THE DEFENDANT: To a certain extent, Your Honor.
8 I've read--I've read a decent amount. I would very much like
9 the ability to access resources that I could study the rules of
10 evidence on my own, because that is one of my primary concerns
11 is resources in this case. The government is a massive
12 machine. You know, they have millions of dollars--

13 THE COURT: Well, I don't--I don't want to hear
14 that.

15 THE DEFENDANT: Yes, okay. And I have nothing--

16 THE COURT: The attorneys sitting here spent months
17 studying and learning the rules of evidence in law school.
18 They have practiced with them decades since. You're telling me
19 that you have studied it part-time basically.

20 I just want you to understand that the rules of
21 evidence govern what comes into evidence before the jury. And
22 even though you may think something is really important, if you
23 can't get it into evidence--

24 THE DEFENDANT: Doesn't matter.

25 THE COURT: --it doesn't matter; it doesn't come

1 in. Do you understand that?

2 THE DEFENDANT: I do, Your Honor.

3 THE COURT: And do you understand your lack of
4 knowledge of the rules of evidence may hamper your ability to
5 have the jury hear evidence that you think is very important,
6 whether it's testimony or documents or exhibits?

7 THE DEFENDANT: Yes, Your Honor. And frankly,
8 that's why I wish to be able to consult with my attorneys
9 outside of--outside of court, and not in court, so that I may
10 be able to parse out some of the legal issues that I would
11 have, because obviously, like you say, I'm not experienced.
12 And it does help to have experience, but I still feel that this
13 case necessitates self-representation. And that is my informed
14 and--I would say I--you know, intelligent waiver of counsel at
15 this point.

16 THE COURT: Well, Counsel, I'm a little unclear
17 about what you think your status will be moving forward. If he
18 terminates your representation and is proceeding on his own,
19 there would no longer be attorney/client privilege. Correct?

20 MR. MAHONEY: No, Judge. There's always--there's
21 always attorney/client privilege if he consults with an
22 attorney. For example, if he's in jail, he's got the federal
23 defender or private attorneys, thinking about changing
24 attorneys--he can absolutely establish a confidential
25 relationship with another lawyer to explore that. And I want

1 to remain available to him to help persuade him and assist him
2 decide to change his mind and have representation at a trial,
3 and he's got that right.

4 So I--maybe having said that, maybe you'll agree
5 with me that, in fact, he can always establish an
6 attorney/client relationship. He can talk to somebody about a
7 will. He can talk to somebody about buying a house, if he had
8 any assets. But--so that's my-- And so I don't--I don't
9 pretend that I would have status to file things with the Court.
10 I don't intend to file pleadings or be involved in that way.
11 But I feel that this is a wrong decision. I think that the
12 reasons for it are-- I'm going to encourage the Court to look
13 into the records we had yesterday. We can hopefully have a
14 chance to address that, but-- So that's my status, Judge, is I
15 want to be able to--I don't think that that means he's shut off
16 from the world and the ability to access any advice that he can
17 get from anybody.

18 THE COURT: Well, I'm just trying to be clear on
19 the record what your status is moving forward. You will no
20 longer appear as counsel of record in the case. Correct?

21 MR. MAHONEY: Yeah, that's right. If you accept
22 his waiver, Judge, that's right.

23 THE COURT: All right.

24 MR. BOSTWICK: Your Honor, I was retained on Friday
25 after his previous counsel withdrew without notice and that was

1 granted on Thursday. Mr. Boukamp has now gone through five or
2 six attorneys. I think that I have an ethical obligation to
3 state on the record that, according to the rules of
4 professional responsibility, I am his advocate, but I also must
5 look out for his best interest. And I think he is making a
6 very, very serious mistake that is rooted in a deep, deep
7 delusion and that he should consider an additional--a different
8 approach, Your Honor.

9 And I'm happy to provide Mr. Boukamp with advice
10 going forward. I'm of counsel in Texas--I have a disability
11 rights firm, which is the reason why the expert in the case
12 reached out to me at the end of last week when Mr. Boukamp was
13 struggling to find counsel. So I'm here, Judge. I'm willing
14 to assist in whatever way I can. But, like Mr. Mahoney, we
15 can't file pleadings on his behalf. We can't file motions on
16 his behalf. We can't provide you with research upon which to
17 base a motion.

18 So, Mr. Boukamp, I really ask you to--strongly ask
19 you to reconsider.

20 But, Your Honor, I would ask that you please, as
21 Mr. Mahoney has, take a look at some of the evidence from the
22 competency hearing yesterday, Judge--

23 THE COURT: Well, I don't see any need to revisit
24 an issue that's already been decided by this Court as far as
25 competency is concerned. I appreciate your reference to that,

1 but obviously the Court heard extensive evidence and testimony
2 over the last two days and found him to be competent, so I
3 don't see the need to revisit that as far as making this
4 determination.

5 MR. MAHONEY: Judge, if I could address that, in
6 the Godinez case, Justice Thomas, from the majority--that was
7 one of the first cases that dealt with the question of whether
8 or not there's a different standard of competency for
9 representing yourself as opposed to--or pleading or waiving a--
10 waiving a trial or a jury. And they said that--in Godinez, the
11 issue came up, and Justice Thomas addressed this, that yes,
12 there is something more, that there is the waiver.

13 And so even though there was a base finding of
14 competency, that does not obviate the need to determine that a
15 waiver of--especially a right to trial--or to an attorney is
16 intelligent and knowing. Voluntary, yes, that's true. But in
17 this case, the Court has to--cannot accept the competency
18 finding as a substitute for making an independent inquiry--

19 THE COURT: That's what we're doing this morning.
20 We're taking that next step.

21 MR. MAHONEY: And I also suggest, Your Honor, that
22 in terms of really allowing him to speak to his choice and for
23 the Court to be able to evaluate his choice, I don't think you
24 can do that without understanding the psychological records
25 that were produced in that hearing.

1 THE COURT: Well, I've already told him what I
2 think about his choice, as have you and co-counsel, and he--

3 MR. MAHONEY: You and I are in agreement on that.

4 THE COURT: --he still insists on proceeding in
5 this manner. So I still have things to discuss with him, and
6 we'll see where it goes from there.

7 MR. MAHONEY: Sure. All right.

8 MR. BOSTWICK: Thank you, Judge.

9 THE COURT: Now, I've already asked you about the
10 rules of evidence. What about the rules of criminal procedure?
11 I would assume your familiarity is roughly at the same level?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And you understand that, leading up to
14 the trial, there's going to be jury issues and instructions
15 that need to be requested and submitted; that how those are
16 requested, if they are requested, can impact your right to
17 challenge any findings the jury makes moving forward and on
18 appeal. Do you understand that?

19 THE DEFENDANT: I think so, Your Honor, yes.

20 THE COURT: And do you understand that your lack of
21 knowledge in that area could really harm your--not only your
22 presentation at trial, but any appeal that you might wish to
23 take up following a conviction?

24 THE DEFENDANT: Yes, Your Honor.

25 MR. BOSTWICK: Your Honor, may I have--

1 THE COURT: Now-- And referring to both the rules
2 of procedure and the rules of evidence, I want you to
3 understand that, even though this is a very serious matter, the
4 Court will not and cannot relax those rules just because you
5 have no lawyer, that they will be applied to you just as if you
6 were an attorney.

7 THE DEFENDANT: Yes, Your Honor.

8 Question, Your Honor. Are motions--are those
9 construed in more favorable light to a pro se defendant?

10 THE COURT: See, you're already asking me--

11 THE DEFENDANT: Oh, sorry.

12 THE COURT: --for legal advice.

13 THE DEFENDANT: I guess just not legal advice; I'm
14 just wondering if you're obligated--

15 THE COURT: You're asking--you're asking how the
16 Court would construe your motion.

17 THE DEFENDANT: Is that legal advice, would you
18 say?

19 THE COURT: I would say.

20 THE DEFENDANT: Not fact? Okay. Well, I'll drop
21 the question then, Your Honor.

22 THE COURT: Well, that's how I interpret it.

23 Now, you did mention one thing earlier that I want
24 to go back and address.

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: You indicated that you want the jury to
2 hear from you, hear your story, something to that effect.

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you understand that you still have
5 that right even if you're represented by counsel?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: That you--that's ultimately your
8 decision and that you--you can still proceed in that manner
9 with counsel by your side?

10 THE DEFENDANT: I understand, Your Honor.

11 THE COURT: I need to advise you that--and I've
12 already stated this generally, but, in my opinion, a trained
13 attorney would defend you far better than you could defend
14 yourself. And you already have a team of two experienced, well
15 qualified attorneys who represented you yesterday and to this
16 point in the litigation. I think it is unwise of you to try to
17 represent yourself. You're not familiar with the law. You're
18 not familiar with court procedure. You're not familiar with
19 the rules of evidence. I strongly urge you not to try to
20 represent yourself in this matter.

21 Now, Counsel, I will give the three of you the
22 opportunity to visit further if you think anything that we've
23 discussed this morning may impact your decision, sir. And even
24 if it hasn't changed your mind, I would still encourage you to
25 take a moment to visit with your attorneys to see if you would

1 like to reconsider, because, as I just indicated, you're on
2 trial for your life, as you acknowledged--

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: --given the sentences that are in play.

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And you're obviously a young man, and I
7 would think, in your situation, you would want the best
8 possible situation moving forward that gives you the most--or
9 the best possibility of giving the jury the evidence from your
10 perspective that they need to hear. In my opinion, the only
11 way that's going to happen is if you have counsel by your side.
12 So I would give you a moment, just wherever the marshals direct
13 you to convene, but-- I'm sorry. Ms. Woolam?

14 MS. WOOLAM: Your Honor, if I may just add one
15 thing that might be important for their discussion. Dual
16 representation is, as we all know, not permitted where
17 counsel--or a defendant can represent himself but also be
18 represented by an attorney. Given that he's raised that he
19 still intends to speak to his counsel with questions, just
20 important for him to know that if he represents himself, he
21 wouldn't be able to file an ineffective assistance of counsel
22 claim in the future as part of an appeal.

23 THE DEFENDANT: Sounds like a legal question, so I
24 guess I--I can't ask it.

25 THE COURT: The government has stated its position,

1 that it believes you would not be able to make that argument on
2 appeal. So just--

3 THE DEFENDANT: Even for previous counsel?

4 THE COURT: --just take that into consideration in
5 your discussion with your lawyer. Your lawyer can advise you
6 as to what he believes, whether that's a correct-- Mr. Haag?

7 MR. HAAG: Yes, Your Honor. One more point that
8 needs to be brought up is, on the federal system, life is truly
9 life imprisonment. And, barring extraordinary circumstances,
10 the sentence would be life in prison. There would be no
11 release during the lifetime.

12 THE COURT: Yeah, that's a good point. The federal
13 system is not the State. In Texas, a lot of times, whatever
14 the sentence is, they can be released even before a third of
15 the sentence has been served. I understand that that's not the
16 case in the federal system.

17 THE DEFENDANT: I--I'm aware, Your Honor, and I--I
18 think it's somewhat absurd that that is the case.

19 THE COURT: All right. And-- Now, Ms. Woolam,
20 back to your point, I guess I do have a question. Obviously
21 there is the right--or, I'm sorry. You cannot have dual
22 representation. Is there a case on that as far as being able
23 to challenge that on appeal?

24 MS. WOOLAM: Your Honor, I don't have a case before
25 me. I know, in a prior trial, that was part of an admonition

1 that Judge Parker gave that attorney. So I know this defendant
2 has had prior attorneys he may have claims about, but if a
3 person represents themselves at a trial, they cannot claim that
4 they, themselves, are then ineffective.

5 THE DEFENDANT: Oh. Yeah.

6 THE COURT: Oh, okay. I'm sorry. Yes. That is
7 correct. I misunderstood your point. Thank you.

8 All right, sir. I will give you as much time as
9 you'd like to visit with your attorneys. Just have a seat
10 where the marshals direct you to meet, and I will--if you have
11 a question about what we've gone over, what we've discussed, I
12 will do my best to answer that.

13 THE DEFENDANT: Yes, Your Honor. I'll try to keep
14 away from legal advice. My first question is, would it be
15 possible to get a rehearing on pretrial release in the near
16 future?

17 THE COURT: No.

18 THE DEFENDANT: No?

19 THE COURT: No. That's--under the statute, there
20 are provisions made for that, but--

21 THE DEFENDANT: Pretrial release is not possible?
22 Is--

23 THE COURT: No, what I said was, under the statute,
24 there are provisions that provide a mechanism for the Court
25 possibly reviewing that decision.

1 THE DEFENDANT: Okay. So I'd have to--I'd have to
2 file with the Court then? Absolutely, Your Honor.

3 THE COURT: The detention hearing in this case I
4 believe was conducted in Michigan. Correct?

5 MS. WOOLAM: That's correct, Your Honor.

6 THE DEFENDANT: Which is why I want a rehearing
7 down here.

8 THE COURT: Well, I'm just telling you the options
9 are very limited. And again, an attorney would tell you under
10 what circumstances that's a possibility, and whether it's even
11 a possibility here.

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Just go ahead and meet with your
14 attorneys, and then I'll have some final questions for you if
15 you still believe this is how you wish to proceed. I would
16 just, once again, tell you-- And, sir, I'll be honest with
17 you. Obviously, from the questions that you've asked me today,
18 you understand very well what's going on.

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: But it reflects how the lack of
21 knowledge about criminal process and procedure is going to
22 hamper you moving forward. Just imagine yourself sitting in
23 this courtroom with 12 people over there deciding your fate.
24 And you're going to have countless questions come up like that
25 during the course of the trial and you're your own lawyer. And

1 we've already had three or four questions this morning that
2 I've directed you to the statute or what the law is that you're
3 going to have to decide. Just, again, picture what that would
4 be like in a trial.

5 THE DEFENDANT: The real issue I see, at least for
6 me, is, really, I'm not able to really access the law
7 effectively in Lubbock County. I'm not able to really bring--I
8 had trouble bringing this note to court today. They could--
9 they--there was a lady--there was a cop that said that I could
10 not bring this sheet of paper to court today.

11 THE COURT: All the more reason for you to have a
12 lawyer.

13 THE DEFENDANT: I'm just trying to be treated
14 fairly.

15 THE COURT: I'm not going to sit here and discuss
16 with you the ins and outs of it, because it's a final decision
17 that you have to make.

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: But once-- And your attorneys have
20 indicated a willingness to continue to assist you, and that's
21 up to them. But as your own attorney, you're limited to
22 whatever resources you have, and that's--that's the reality of
23 it. I understand that you might wish to have more access to
24 certain items, but that's the way it goes. Your attorneys here
25 are outside. They have got the resources of computers, books,

1 everything at their access. So that's another factor for you
2 to consider as to whether you wish to represent yourself.

3 THE DEFENDANT: Your Honor, I think--I think it is
4 highly unfair. I think it would almost be impossible for me to
5 have a fair trial if I'm denied access to basic legal
6 resources, even with an attorney.

7 THE COURT: You understand better than I do what
8 you have access to. You're basing this--

9 THE DEFENDANT: It's not fair, really.

10 THE COURT: Whatever it is, whatever resources you
11 have, you're basing your decision on that knowledge. Okay?
12 You know what access and what resources your attorneys have,
13 and that's what you need to take into account, along with
14 everything else we've talked about this morning, in making the
15 decision as to whether you want to go at this alone.

16 So I want you to visit with your lawyers, and you
17 need to come back and tell me--understanding, all these
18 problems that you've just identified for me--

19 THE DEFENDANT: Yes, sir.

20 THE COURT: --I agree with you. Those are
21 significant problems. That's why I'm telling you you need a
22 lawyer, because they don't have those limitations. They don't
23 have those restrictions. Now, just because your lawyer tells
24 you something you disagree with does not mean they are not
25 representing you. They are giving their advice based on their

1 experience, their knowledge of the law, and what they think is
2 in your best interest. They are ethically required and bound
3 to do that.

4 So I'll just ask you this. You told me earlier
5 you've been through six, seven lawyers--

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: --and that you can't--that you're
8 having difficulty with them?

9 THE DEFENDANT: I'm probably the problem, yes, Your
10 Honor.

11 THE COURT: I was going to say, the common
12 denominator there--

13 THE DEFENDANT: Is me.

14 THE COURT: Okay? So---

15 THE DEFENDANT: I'm well aware.

16 THE COURT: --take a minute and consider the fact
17 that, sometimes the news they bring is not what you want to
18 hear but it may be what you need to hear and that, in them
19 advising you, that's--they are acting in your best interest,
20 because what's what they're required to do.

21 THE DEFENDANT: I would have to agree, Your Honor.
22 I would also have to say that some attorneys, especially the
23 attorneys I've talked with, are unwilling to risk--I should say
24 take risks, take legal risks that could potentially jeopardize
25 how the Court perceives them and how their professional

1 reputation is in general. And that's my main--one of my main
2 problems, is that it seems I've not been able to find an
3 attorney that is willing to really put himself out there on the
4 line. And I think--truly, after going through so many
5 attorneys, I think I'm the only one that can really put himself
6 out there--

7 THE COURT: Well, why don't you--

8 THE DEFENDANT: I'm not professionally bound--

9 UNIDENTIFIED SPEAKER: I don't really have a
10 reputation, Your Honor, so don't worry.

11 THE COURT: Visit with Mr. Bostwick and your other
12 counsel and find out where things are. Honestly, obviously, I
13 wasn't in the hearing, so I did not see and hear what
14 transpired. But in the brief interaction I've had with your
15 attorneys today, I don't see any reluctance on their part to--I
16 mean, that's what a--that's what a trial lawyer gets paid to do
17 is to go to trial and to try a case. And if--

18 THE DEFENDANT: I would wonder, Your Honor, the
19 conviction rate in this district--I think it is extremely high.
20 And as far as social factors are concerned, I--I mean, I think
21 it's in the realm of over 95 percent of criminal defendants
22 tried in this court are convicted, and I just don't think
23 that's--that's something I can live with when you tell me--

24 THE COURT: Well, the majority of these cases are
25 guilty pleas.

1 THE DEFENDANT: Yes, I'm aware, Your Honor.

2 THE COURT: But that has--

3 THE DEFENDANT: I'm aware of what--

4 THE COURT: That has nothing to do with whether
5 these attorneys are willing to zealously represent you and to
6 put their reputations on the line to--obviously they are not
7 concerned about that. They have entered appearances for you.
8 If there was any concern in that regard, I don't think they
9 would have associated with your case to begin with.

10 So I don't see a big difference between
11 representing you in the case in general, representing you in
12 the competency hearing, and your willingness to go forward at
13 trial. Their names are tied to you. They are tied to this
14 case. And they have expressed a willingness today to go to bat
15 for you.

16 And so again, it's ultimately your call, but I
17 think you have shown to yourself this morning, just in the few
18 questions you've asked me, the need for competent legal
19 counsel, and that is--that is my recommendation to you. But
20 I'm going to give you a chance to meet with your lawyers and,
21 you know, make a decision. Come back and tell me ultimately
22 what you want to do. Okay?

23 THE DEFENDANT: Yes, Your Honor.

24 UNIDENTIFIED SPEAKER: Thank you, Judge.

25 UNIDENTIFIED SPEAKER: Thank you, Your Honor.

1 THE COURT: Counsel, let's keep it to five, ten
2 minutes, unless you tell me there's a need to go longer.

3 UNIDENTIFIED SPEAKER: Yes, Your Honor. Thank you.
4 May we have a private--a little private space, or--

5 THE COURT: Yeah, let's do this. Well, give me
6 just a moment.

7 UNIDENTIFIED SPEAKER: Thank you, Judge.

8 THE COURT: All right. Let's-- Oh, Mr. Haag?

9 MR. HAAG: Well, Your Honor, I was going to say, we
10 could volunteer to leave the courtroom so that they can have a
11 discussion with just the marshals present.

12 THE COURT: Well, just understand that the mikes
13 are live, so you may want--

14 UNIDENTIFIED SPEAKER: We'll step back.

15 THE COURT: Yeah. Let's take a recess. Court will
16 stand in recess until ten after 11:00.

17 (RECESS TAKEN)

18 THE COURT: Thank you. Please be seated.

19 All right. Mr. Bostwick, where do things stand?

20 MR. BOSTWICK: Mr. Boukamp continues to wish to
21 represent himself, Your Honor.

22 THE COURT: All right. Mr. Boukamp, let me tell
23 you how this is going to work if that is your final decision.
24 You have asked that these attorneys be terminated, or you have
25 indicated that that's what you're doing, that you're

1 terminating these lawyers?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: You also indicated that you wish to
4 have standby counsel appointed.

5 THE DEFENDANT: I would not like standby counsel,
6 in fact, Your Honor.

7 THE COURT: I'm sorry. I thought you indicated
8 that you--

9 MS. WOOLAM: Your Honor, we requested standby
10 counsel.

11 THE COURT: Oh, okay. That was from the
12 government?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Well, given the stakes in this matter,
15 if this is the direction we go, I will appoint standby
16 counsel--

17 THE DEFENDANT: I'll object to that, Your Honor.

18 THE COURT: --and that will-- I'm sorry?

19 THE DEFENDANT: I will object to that, Your Honor.

20 THE COURT: Overruled.

21 The standby counsel will be the Federal Public
22 Defender's Office here in Lubbock. Now, obviously you can
23 speak with whoever you have access to from Lubbock County
24 Detention Center, but that's what it will look like moving
25 forward and--with the understanding that you're flying solo at

1 that point. You're the attorney in the case.

2 THE DEFENDANT: Yes, Your Honor. A few--a few
3 quick things, if--

4 THE COURT: Well, no. I'm just saying, do you
5 understand that's what it will look like moving forward?

6 THE DEFENDANT: Yes, Your Honor. Yes.

7 THE COURT: All right. So in light of the charges
8 that you face, the penalties that were described by the
9 government's attorney, including multiple counts that can
10 result in a life sentence, in light of the difficulties that we
11 have discussed that you will encounter in representing
12 yourself, is it still your desire to represent yourself and to
13 give up your right to be represented by an attorney?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Is your decision entirely voluntary?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Is there anything further the
18 government would like to put on the record in regard to this
19 matter before the Court makes a final decision?

20 MS. WOOLAM: Yes, Your Honor. In this case, we
21 have done several protective order agreements with defense
22 counsel, specifically that they do not give copies of discovery
23 to Mr. Boukamp directly. That was in order to facilitate full
24 discovery that we didn't do some redactions on, and that was
25 agreed to by counsel.

1 We would just request that all counsel know, and
2 current counsel sitting here know not to provide any of the
3 discovery to Mr. Boukamp during this transition. We will
4 provide discovery to Mr. Boukamp appropriately, as he--if he
5 does come on to represent himself.

6 THE COURT: All right. Mr. Bostwick?

7 MR. BOSTWICK: Your Honor, we'll comply with that
8 rule, of course.

9 Just one more thing I'd like to say on the record.
10 During the competency hearing, Your Honor, Drs. Garcia,
11 Montfort, and Kellaher all indicated that Mr. Boukamp has an
12 emotional age range of between two and seven. So, Your Honor,
13 permitting this defendant to represent himself, I mean, with
14 due respect, would be tantamount to allowing a child to
15 represent himself, and I think we need to take--we just need to
16 take a harder look at this, Judge. But that's my final
17 statement, and I--

18 THE COURT: Well, I appreciate that point, but I
19 think the district judge has already considered and rejected
20 that. I can't imagine that an individual between the age of
21 two and seven would be competent to stand trial.

22 MR. BOSTWICK: Understood, Judge. I'm trying my
23 last-ditch effort.

24 THE COURT: No, I--thank you. I appreciate that.

25 MR. MAHONEY: Judge, you didn't ask me, but I think

1 that--I did want to put on the record that I do object to the
2 Court making a finding without thorough review of those
3 competency hearing records.

4 The other thing is that I'm not so sure about--I
5 haven't talked to the government about exactly how they would
6 provide the discovery, because, you know, we do have this.
7 There's things he needs to know in order to be able to defend
8 himself. And I don't know if it's going to be a different form
9 than we were given, because he certainly needs an equal
10 opportunity to represent himself that we have, so I don't--

11 THE COURT: Well, I agree that's an issue to be
12 determined. I don't think it's something that the Court has to
13 decide this morning. And you've--counsel has indicated that,
14 at least moving forward, it will comply with the government's
15 desire to control the manner in which it's produced.
16 Obviously, if issues arise, that can be brought to the Court's
17 attention and we can address it at that point. But I think
18 what the government is saying this morning is that that--the
19 material you're currently holding should not be disclosed
20 directly to him, that the government will provide it in a
21 certain form and fashion.

22 Is that correct, Ms. Woolam?

23 MS. WOOLAM: That's correct, Your Honor. Both
24 Mr. Guinn and Ms. Key signed and acknowledged a protective
25 agreement that we did stating that they would not provide the

1 discovery to anyone outside of the legal team or to the
2 defendant directly. As the current counsel kind of
3 transitioned into lead counsel, we did not reengage them on
4 that, but because they were counsel when Mr. Guinn and Mr. Key
5 were the--we would say the same agreement applies, and they
6 would be in violation of that agreement if they provided their
7 discovery directly to the defendant. We would, of course,
8 intend to make all discovery available to the defendant. This
9 is not any intent to hide anything. It's just to ensure the
10 protection of the victim and her privacy rights going forward.

11 THE COURT: Does defense counsel have any problem,
12 at least at this point, agreeing to proceed in that manner?

13 MR. MAHONEY: No, of course not, Judge.

14 MR. BOSTWICK: No, Your Honor. And I'm grateful
15 that they brought it to our attention. I was not made aware of
16 that by previous counsel, Judge, so--and we--I have--had begin
17 to amass discovery to give to Mr. Boukamp, so I will--

18 THE COURT: Thank you.

19 MR. MAHONEY: One other thing, Judge, that I might
20 have applied for, if Your Honor does grant the request to
21 self-represent, if it hasn't been done, we would apply
22 eventually to ask the Court to consider appointing--I don't
23 know if it's an advocate or intermediary who--from the autism
24 field to be able to help Mr. Boukamp as an accommodation to his
25 disabilities.

1 All government actors are subject to the
2 Rehabilitation Act, federal government agencies and the ADA,
3 the State agencies, and to accommodate people with
4 disabilities. And so in the court system, there is sort of a--
5 and there was testimony about this, sort of the need to
6 translate and help people with disabilities navigate this
7 system as a witness, as a defendant. And there's excellent--at
8 Texas Tech here in Lubbock, there's the CASE program, which is
9 designed to help students who come to the university that have
10 the academic abilities and so on, but--

11 THE COURT: Let me--I apologize for interrupting,
12 but let me ask you this, and I meant to ask you earlier and I
13 forgot, but the request brought it to mind. If I appoint
14 stand--or I am going to appoint standby counsel. Are the two
15 of you willing to serve in that capacity, or--because if you're
16 not, I will appoint FPD here in Lubbock. But obviously, that's
17 something that you could assist him with in--possibly in that
18 role. I mean, my answer is, he's his own lawyer. It's up to
19 him to make that request. That's what he has asked for, and
20 that's where he's at.

21 Now, if you are asking the Court to appoint you as
22 standby counsel, then that's possibly something you could
23 assist him in that regard. But obviously that would require
24 you to be present for trial. And that reminds me, the trial
25 setting-- And, Mr. Boukamp, this may impact your decision as

1 well. But this case will be set for trial June 6th, 2022,
2 following your arraignment this morning. So--

3 MS. WOOLAM: Your Honor, if I may?

4 THE COURT: Yes.

5 MS. WOOLAM: Given the amount of discovery, there's
6 certain discovery that we obviously, as child pornography,
7 cannot provide directly to Defendant. There will have to
8 likely be some issues dealt with with that. We would request
9 the trial on the July docket.

10 THE COURT: Well, the trial date that I've been
11 provided is June 6th. The parties can file either a joint
12 motion for continuance or a motion to continue if you believe
13 additional time is necessary, but--

14 MS. WOOLAM: Yes, Your Honor.

15 THE COURT: --that's the date that's been provided.

16 So--

17 MR. MAHONEY: It would be difficult for me to serve
18 as standby counsel, Judge, given the--

19 THE COURT: And that's--no, that's understandable.
20 I just meant to provide that opportunity. And I understand,
21 given the logistics of where you live, and for that reason, I
22 think it is better to appoint FPD, just for any number of
23 reasons.

24 MR. BOSTWICK: I agree, Your Honor, as well. I
25 would be happy to serve in that capacity. However, I don't

1 think Mr. Boukamp would want me to do that. But I have talked
2 to him about continuing to provide advice of counsel on an
3 informal basis.

4 THE COURT: All right.

5 MR. MAHONEY: I think that Mr. Boukamp--yeah,
6 Mr. Boukamp would prefer appointing Mr. Bostwick, Your Honor.

7 THE COURT: I'm sorry?

8 MR. MAHONEY: Mr. Boukamp would prefer to have
9 Mr. Bostwick.

10 MR. BOSTWICK: No, I'm retained, Your Honor. I'm
11 not on your court appointment list, so I don't--I don't do that
12 typically. I'm generally retained. But I'm happy to serve in
13 that capacity at the Court's pleasure.

14 THE COURT: Well, I think, given the issues that
15 we've already identified, I think--I think it would be best to
16 have standby counsel that's local. Now, obviously, that does
17 not in any way impact your ability to continue to consult with
18 these attorneys if they wish to do that and you're able to do
19 so.

20 But I am going to appoint Wade Iverson with the
21 Federal Public Defender's Office to serve as standby counsel in
22 this matter. Now, you can still consult with these attorneys
23 if they wish to provide that service. And, as noted, subject
24 to the granting of a motion for continuance, this case is set
25 for trial June 6th, 2022.

1 Now, I suspect the Court has previously done this,
2 but out of an abundance of caution, I am going to go ahead and
3 provide the Rule 5(f) admonishment. The government--or, I'm
4 sorry. As required by Rule 5(f), counsel for the United States
5 is ordered to comply with the prosecutor's disclosure
6 obligations under *Brady vs. Maryland* and its progeny. The
7 government's failure to comply may result in consequences such
8 as the dismissal of charges, exclusion of witnesses or
9 evidence, adverse jury instructions, contempt proceedings, and
10 sanctions.

11 Ms. Woolam, does the government acknowledge its
12 obligations in that regard?

13 MS. WOOLAM: Yes, Your Honor.

14 THE COURT: All right. So, Mr. Boukamp, as you
15 have indicated, your attorney's representation is terminated in
16 this matter. You are representing yourself moving forward. I
17 find that you have knowingly and voluntarily waived your right
18 to counsel, and the Court will therefore permit you to
19 represent yourself. And Mr. Iverson with the FPD's Office will
20 serve as standby counsel.

21 Is there anything further the Court needs to take
22 up in regard to this matter?

23 MS. WOOLAM: No, Your Honor.

24 THE DEFENDANT: Yes, Your Honor.

25 MR. MAHONEY: I don't think you arraigned him,

1 Judge, on the superseding, did you?

2 THE DEFENDANT: I have not pled.

3 MS. WOOLAM: That's true, Your Honor, he has not
4 entered his plea on the superseding--second superseding
5 indictment.

6 [Indiscernible simultaneous speaking]

7 THE COURT: I appreciate that. We did go over the
8 charges and the punishment, but yes, thank you. I did not
9 actually take your plea.

10 Now, Mr. Boukamp, as you know, earlier we went over
11 the charges alleged in the second superseding indictment. We
12 also discussed the--or the government's attorney went over for
13 you the range of punishment as to each count.

14 So, first of all, do you understand the nature of
15 the charges?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And do you understand the penalties you
18 face if you're convicted?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: How do you plead to the charges
21 contained in the second superseding indictment? Guilty or not
22 guilty?

23 THE DEFENDANT: Not guilty, Your Honor.

24 THE COURT: All right. Your case, as I said, will
25 be set for trial June 6th, 2022.

1 THE DEFENDANT: One thing, Your Honor, if I may?

2 THE COURT: Just a moment.

3 THE DEFENDANT: Okay.

4 THE COURT: Counsel, thank you for pointing that
5 out, even though you are no longer on the clock.

6 And, Ms. Woolam, anything else?

7 MS. WOOLAM: I don't believe so, Your Honor.

8 THE COURT: Okay. Now, Mr. Boukamp?

9 THE DEFENDANT: Okay. Sorry, Your Honor. I just--
10 yesterday, I got cut off, and I don't want to let it happen
11 again, you know. But I just want to make sure that my legal
12 papers will be protected. I would like the Court's assurance
13 that that is possible.

14 THE COURT: I don't--I don't know what you're
15 talking about.

16 THE DEFENDANT: Obviously I'm subject to random
17 search and seizure at Lubbock County Detention Center, but I
18 still want to make sure that I have the ability to retain
19 privacy, you know, some sort of, well, yeah, ability to retain
20 my privacy and review the discovery privately and be able to--

21 THE COURT: Well, first of all, the Court does not
22 interject itself in the day-to-day operation of detention
23 facilities. That's delegated to the states or the BOP.

24 Second, there is a general right to the protection
25 of legal materials, and the facilities understand that. And

1 it's my understanding that they recognize that and take steps
2 to protect that.

3 If anything happens in that regard that you believe
4 violates that, you can bring that to the Court's attention.
5 But beyond that, it's your responsibility to comply with the
6 facility's requirements to make sure that that material is
7 identified and treated accordingly.

8 THE DEFENDANT: Yes, Your Honor. And I should take
9 that up with the marshals, because them not allowing me to
10 bring legal materials is obviously going to significantly
11 hamper my case.

12 THE COURT: Well, the marshals understand how
13 things work.

14 THE DEFENDANT: Okay.

15 THE COURT: And if you communicate to them--

16 THE DEFENDANT: Absolutely.

17 THE COURT: --appropriately, your rights will be
18 protected in that regard.

19 THE DEFENDANT: Thank you, Your Honor. That's all
20 I have.

21 THE COURT: All right. I will remand you to the
22 marshals' custody.

23 And, Ms. Woolam, that's all I see on the Court's
24 docket this morning. Anything further?

25 MS. WOOLAM: No, Your Honor.

1 THE COURT: All right. Court will stand adjourned.

2 (END OF HEARING)

3

4 I, Mechelle Daniel, Federal Official Court Reporter in and
5 for the United States District Court for the Northern District
6 of Texas, do hereby certify that the foregoing is a correct
transcript to the best of my ability from a digital sound
recording of the proceedings in the above-entitled matter.

7

8 /s/ Mechelle Daniel

DATE JUNE 7, 2022

9 MECHELLE DANIEL, CSR #3549
FEDERAL OFFICIAL COURT REPORTER

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